

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

ANTHONY BERRY

*Defendant.*

Criminal No. 10-00051 (NLH)

**Memorandum Opinion and Order**

**APPEARANCES:**

Anthony Berry  
Register No. 63766-066  
FCI-Otisville  
Inmate Mail/Parcels  
P.O. Box 1000  
Otisville, NY 10963

*Defendant appearing pro se*

Lindsey Rebecca Harteis, Assistant U.S. Attorney  
Office of the United States Attorney  
401 Market Street, 4<sup>th</sup> Floor  
Camden, New Jersey 08101

*On behalf of the United States of America*

**Hillman, District Judge**

WHEREAS, on January 28, 2010, Defendant Anthony Berry pleaded guilty to a two-count Information charging Conspiracy to Commit Hobbs Act Robbery, 18 U.S.C. § 1551(b)(3) and Use of a Firearm During and in Relation to a Crime of Violence, 18 U.S.C. § 924(c); and

WHEREAS, on October 5, 2010, Defendant was sentenced by the late Honorable Joseph E. Irenas to an aggregate term of 225 months' imprisonment; and

WHEREAS, on May 11, 2023, Defendant filed the instant "Motion for Removal of 924(c) Enhancement/Compassionate Release or in the Alternative a Reduction in Sentence Pursuant to 18 U.S.C. § 3582 (c)(1)(A)," as well as a supplement thereto (ECF Nos. 41, 43); and

WHEREAS, on September 18, 2023, the Government filed its Response to Defendant's Motion (ECF No. 47); and

WHEREAS, after Defendant filed his motion and it was briefed by both parties, the United States Sentencing Commission issued a revised and broadened Policy Statement to guide sentencing courts in considering motions for compassionate release under 18 U.S.C. § 3582 (c)(1)(A), effective November 1, 2023;

THEREFORE, having considered the recent enactment of the amended Policy Statement regarding issues contained in Defendant's pending motion,

**IT IS** on this 23<sup>rd</sup> day of January 2024,

**ORDERED** that within fourteen (14) days of this Order, Defendant shall either: (1) notify the court in writing that he intends to stand on his current filings, or (2) supplement his current briefing in consideration of the new Amendments; it is further

**ORDERED** that in the event Defendant elects to supplement his current briefing, the Government shall file its Supplemental Response within seven (7) days thereafter; it is further

**ORDERED** that a copy of this Order be sent to Defendant Berry by regular mail to his address on the Docket.

At Camden, New Jersey

/s/ Noel L. Hillman  
Noel L. Hillman, U.S.D.J.